

CAUSE NO. 2020DCV0914

WESTAR INVESTORS GROUP, LLC,	§	IN THE COUNTY COURT
SUHAIL BAWA, AND SALEEM MAKANI,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	AT LAW NO. 6
THE GATEWAY VENTURES, LLC,	§	
PDG PRESTIGE, INC., MICHAEL	§	
DIXSON, SURESH KUMAR,	§	
AND BANKIM BHATT,	§	
	§	
Defendants.	§	EL PASO COUNTY, TEXAS

DEFENDANT BANKIM BHATT’S RESPONSE TO PLAINTIFFS’ MOTION TO QUASH DEFENDANT BANKIM BHATT’S NOTICES OF DEPOSITIONS TO PLAINTIFFS AND IN THE ALTERNATIVE, MOTION TO STRIKE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, BANKIM BHATT, Defendant, and files this its Response to Plaintiffs’ Motion to Quash Defendant’s Notices of Depositions and in the alternative, Motion to Strike Plaintiffs’ Motion to Quash and Request for Sanctions, and would respectfully show the Court as follows:

A. Plaintiffs’ Motion to Quash

- Plaintiff’s counsel filed its motion to quash on October 13, 2020 but did not make any attempt to confer with Defendant Bhatt’s counsel to offer dates or attempt to resolve pursuant to the Texas Rules of Civil Procedure 191.2.
- On October 8, 2020, Defendant Bhatt served Notices of Deposition for Plaintiffs’ Saleem Makani (“Makani”), Suhail Bawa (“Bawa”). The depositions were noticed for November 18 and 19th and alternate notices were offered should those dates be unavailable for November 23rd and 24th, 2020. See attached as Exhibit “A.”

2. Since August 28, 2020, Counsel for Defendant Bhatt repeatedly requested dates for Plaintiffs' deposition to all counsel. On September 17, 2020, undersigned counsel's paralegal again requested dates for Plaintiffs' deposition. To date, undersigned has not received any proposed dates for Plaintiffs' deposition. See attached correspondence as Exhibit "B." Plaintiffs' motion to quash fails to offer any proposed dates pursuant to the TRCP.

3. The parties are set for trial on July 19, 2021. Plaintiffs' have no valid reason to quash the depositions and Plaintiff's counsel continues to violate the rules of discovery.

4. Defendant Bhatt would move that this Honorable Court strike Plaintiffs' motion to quash for failure to confer pursuant to the TRCP and have parties appear in-person within the venue of Plaintiffs' case at issue.

B. Request for Fees

5. Plaintiffs' delay and additional work resulting through hearing of this matter, has cost Defendant Bhatt at least \$2,500.00 in legal fees. Defendant respectfully requests this Court to Order Plaintiffs' to pay the costs of legal fees incurred by Defendant, Bhatt.

WHEREFORE, PREMISES CONSIDERED, Defendant Bhatt requests that Plaintiffs' Motions to Quash be stricken, and an Order either ordering Plaintiffs' to be deposed in-person at a mutually convenient date or the dates of November 18th and 19th, 2020, additionally, Defendant request its attorney's fees, costs, and expenses, incurred as a result of Plaintiffs' motion to quash, and for any further relief to which Plaintiff may be entitled.

Respectfully submitted,

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*Attorneys for Defendant Bankim Bhatt,
M.D.*

CERTIFICATE OF SERVICE

I certify that on October 16, 2020, the foregoing document was served via electronic service to all counsel of record pursuant to the Texas Rules of Civil Procedures.

/s/ Jeffrey T. Lucky
JEFFREY THOMAS LUCKY